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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,836	10/30/2003	Jui-Hsiang Lo	PMXP0169USA	2835
27765 7590 08/27/2007 NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			EXAMINER RAHMJOO, MANUCHER	
			ART UNIT 2624	PAPER NUMBER
			NOTIFICATION DATE 08/27/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

winstonhsu.uspto@gmail.com
Patent.admin.uspto.Rcv@naipo.com
mis.ap.uspto@naipo.com.tw

Office Action Summary	Application No.	Applicant(s)	
	10/605,836	LO, JUI-HSIANG	
	Examiner	Art Unit	
	Mike Rahmjoo	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-14, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-14, 17-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| <p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
|---|--|

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 4, 6, 10-12, 14, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Syrbe et al (US PAP 2006/ 0146009), hereinafter, Syrbe in view of Olde et al (US Patent 6927668), hereinafter, Olde.

As per claims 1 and 10 Syrbe teaches a control module (i.e., fig. 1 processor 18) installed inside the housing for controlling the module phone providing an image-capturing module comprising a lens, and using the image-capturing module to capture an image corresponding to for example fig. 1;

providing an image recognition module installed inside the housing of the mobile phone, and using the image recognition module to compare the image captured by the image-capturing module with image data previously stored in the memory corresponding to for example [0116] and fig. 4 block 90;

Syrbe implicitly teaches if the image captured by the image-capturing module corresponds with the image data stored in the memory, sending a corresponding identification code to the control module with the image recognition module corresponding to for example [0116-0118] and the flowchart of fig. 4 blocks 92-94

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wherein any changes with camera image is checked and detected corresponding to identification through comparison. Also codes are inherent to all CPUs;

a memory installed inside the housing and electrically connected to the control module for storing image data recognized by the image module corresponding to fig. 2 blocks s17 a- b;

However, Syrbe does not teach when the control module receives the corresponding identification code, the control module will boot the mobile phone.

Olde teaches when the control module (corresponding to FEVM) receives the corresponding identification code (corresponding to signal received upon a match found in the memory in column 4 lines 20- 25), the control module will boot (corresponding to turn on of the cell phone) the mobile phone corresponding to for example column 3 line 34.

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of Olde into Syrbe to provide a system to identify and authenticate a potential user and therefore secure operation from unauthorized use corresponding to for example column 2 lines 30- 40.

As per claims 1 and 10 Olde teaches fingerprint (patterns as being inherent to fingerprints) corresponding to for example col. 3 lines 30- 35. At the time the invention was made it would have been obvious to one of ordinary skill in the art to incorporate fingerprints because applicant does not disclose that a user's facial pattern provides an advantage, is used for a particular purpose, or solves a stated problem. One of

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ordinary skill in the art would have expected applicant's invention to perform equally as well with images other than a facial image.

As per claims 2,3, 11 Syrbe teaches providing an IR cut filter for stopping infrared rays from passing through the lens of the image-capturing module, wherein in step (a), when the image-capturing module is used to capture the image for image recognition, the IR cut filter is removed from the front of the lens of the image-capturing module, and when the image-capturing module is not used to capture the image for image recognition but for photo, the IR cut filter is moved to the front of the lens of the image-capturing module corresponding to for example [0077] wherein a mobile phone is provided with an IR filter and the use of an IrDA port as a light source for a digital camera and the details of a device to move the infrared filter in and out of the camera path is disclosed.

As per claims 4,12 Syrbe teaches move the infrared filter in and out of the camera path corresponding to for example [0077]. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide a sliding set installed on the housing in slidable manner, and installing the IR cut filter on the sliding set because applicant has not disclosed that providing a sliding set installed on the housing in slidable manner provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art would have expected applicant's invention to perform equally as well with a movable IR filter other than a sliding set installed on the housing in slidable manner.

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Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Syrbe.

As per claims 5, 13 Syrbe does not teach the image-capturing module is an external phone camera installed outside the housing.

However, the background of Syrbe teaches the image-capturing module is an external phone camera installed outside the housing corresponding to for example [0003] for the detachable camera.

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of the background of Syrbe into Syrbe to have an external camera installed outside of the housing of a phone camera to provide an additional feature to a phone and therefore provide a hand-held device with motion sensing in a economical and reliable manner see for example [0009].

As per claims 6, 14 Syrbe teaches the image-capturing module is a phone camera installed on the housing of the mobile phone corresponding to for example fig. 1.

As per claims 17 –18 Syrbe teaches the image captured by the image capturing module is an infrared pattern of a user's image (i.e., the two settings for capturing images with visual light and infrared light) corresponding to for example [0079].

Response to Arguments

Applicant's arguments with respect to claim 1-6,10-14,17-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Inquiry

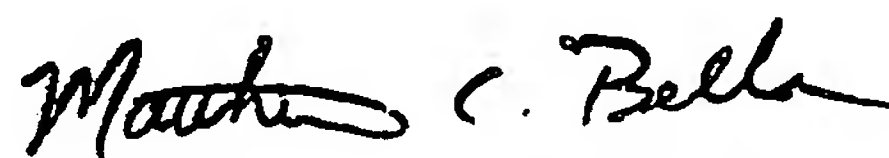
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is 571-272-7789. The examiner can normally be reached on 8 AM- 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Rahmjoo

August 14, 2007



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600